

REMARKS

I. INTRODUCTION

This Amendment is filed in response to the Official Action mailed February 18, 2005. In this Amendment, claim 5 is cancelled, claims 1-4, 6-8, 10, 13, 15, 17, and 20-22 are amended and claims 9, 11, 12, 14, 16, 18, 19 and 23 are unchanged. Claims 24-36 are added. Of the pending claims, claims 1, 20, 24, 25 and 32 are independent. Following entry of this amendment, claims 1-4 and 6-36 shall be pending.

In the Office Action, claims 2-5, 10, and 22 have been rejected under 35 U.S.C. 112 and claims 1-4, 11-14, and 15-19 have been rejected based on prior art grounds. Claims 20-21 and 23 have been allowed and claims 5-10 and 22 are indicated as being allowable if rewritten to include the limitations of the base claim. The applicants hereby request reconsideration of the application in view of the reasons set forth below.

II. REJECTIONS UNDER 35 U.S.C. SECTION 112

The Examiner objected to claims 2-5, 10, and 22 under 35 U.S.C. 112, second paragraph, as being indefinite. The Applicant's response is set forth below.

As to claim 5, the Examiner does not specifically identify the grounds for rejecting this claim. Nor does the Applicant discern any indefiniteness under Section 112 in claim 5. Moreover, claim 5 has been cancelled and the subject matter of claim 5 has been added to independent claim 1. Accordingly, it is submitted that the rejection of claim 5 was either inadvertent or is now moot.

Claim 2 has been amended to include the term "only" so that it makes clear that the control element recited in claim 1 includes only the "duration programming device" and not the "user adjustable temperature programming device". This claiming practice is proper and not indefinite insofar as the control element of claim 1 is recited to include "at least one" of either of these devices. Claim 2 limits claim 1 to only the "duration programming device".

Claim 3 has been amended to include the term “only” so that it makes clear that the control element recited in claim 1 includes only the “user adjustable temperature programming device” and not the “duration programming device”. This claiming practice is proper and not indefinite insofar as the control element of claim 1 is recited to include “at least one” of these devices. Claim 3 limits claim 1 to only the “duration programming device”

Claim 4 has been amended to include the phrase “at least both of” so as to make clear that the control element at least includes both the “duration programming device” and the “user adjustable temperature programming device”. This claiming practice is proper and not indefinite insofar as the control element of claim 1 is recited to include “at least one” of these devices. Claim 4 limits claim 1 to both devices.

Claim 10 has been amended to clarify that the recitation is to a switch included in the “rainfall accumulation sensor”.

Claim 22 has been amended to depend from claim 21 which includes a first reference to the “predetermined period of time”.

As to other various amendments to the claims, these have been made to further clarify the claimed invention and to ensure consistency throughout the claims.

In view of the foregoing, it is submitted that any indefiniteness that may have been present in the claims has now been removed and the applicant now submits that the rejections should be withdrawn.

III. ALLOWABLE SUBJECT MATTER

The Examiner has indicated that claims 20-21 and 23 are allowed. The Applicant acknowledges this indication and thereby secures the allowance of those claims by way of this response. However, in reviewing these allowed claims, the Applicant discovered minor inconsistencies between use of the term “irrigation system” and use of the term “control element.” Hence, claims 20 and 21 have been slightly amended in order to rectify this inconsistency.

The Examiner also indicated that claims 5, 10 and 22 would be allowable if rewritten or amended to overcome the rejections under 35 U.S.C. 112, 2nd paragraph and that claims 5-10 would be allowable if rewritten in independent form.

In response thereto, it is submitted that all indefiniteness in the claims has been removed as set forth above. Moreover, independent claim 1 has been rewritten to include the substantially the subject matter of claim 5 (now cancelled). Accordingly, it is submitted that amended claim 1 and its dependent claims 2-19 are now allowable in light of the Examiner's indication as to the subject matter of claim 5.

As to the allowable nature of claim 7, the subject matter of claim 7 has been combined with the substantially the subject matter of independent claim 1 and the entire combination introduced into the application as new independent claim 24. Accordingly, it is submitted that new independent claim 24 is also now allowable.

IV. PRIOR ART REJECTIONS

Claims 1-4 and 11-19 were variously rejected under 35 U.S.C. Section 102(e) or Section 103 based either on U.S. Patent Application No. 2001/0049563 to *Addink et al.* alone or on the *Addink et al.* reference in combination with U.S. Patent Application 2002/0029111 to *Peek et al.*. The Applicant does not concede this prior art rejection in any way whatsoever and reserves the right to pursue the very same rejected claims in a continuation application at a later time. However, in order to expedite prosecution only, independent claim 1 (from which all the above claims depend) has been amended to include the allowable subject matter of claim 5. Hence, it is submitted that the prior art rejection for each of these claims should be withdrawn.

V. NEW CLAIMS

New claims 24-36 have been added to this application. Of these new claims, claim 24 includes the subject matter of original claims 1 and 7 and should be allowable for the reasons stated above.

The remaining new claims 25-36 are newly drafted and are constituted by a new independent article claim 25 (followed by its dependent claims 26-30) and a new independent method claim 32 (followed by its dependent claims 33-36). These claims are similar in many respects to the original claims. However, applicant traverses the merits of any rejection of these claims that the Examiner may consider based on the *Addink et al.* or *Peek et al.* references.

For example, neither *Addink et al.* nor *Peek et al.* suggest an environmental sensor control assembly that has a water suspension routine that receive inputs from a user setting a maximum and a minimum period within which said routine can suspend watering of the irrigation system as recited in new independent claim 25. Nor do either of these references disclose an environmental sensor control assembly being separate from and connectable to an existing central controller of the irrigation system as also recited in independent claim 25. As a further example, neither *Addink et al.* nor *Peek et al.* disclose the communicating of an irrigation suspension signal to a preexisting controller of said irrigation system thereby causing the controller to suspend irrigation for a period of time based on minimum and maximum irrigation suspension times independently selected by a user as recited in new independent claim 32. Accordingly, the Applicant requests that all of these newly added claims are allowable.

V. CORRECTED DRAWINGS

During Applicant's review of the Office Action, a minor error was noticed in Figure 1A. In particular, it was noticed in Figure 1A that wireless receiver, item 10, is included in this figure despite the fact that Figure 1A depicts a hard wired set up. To remove this discrepancy, it is proposed in a separate paper to remove the item no. "10" from the drawing figure. Approval of this request is respectfully submitted.

CONCLUSION

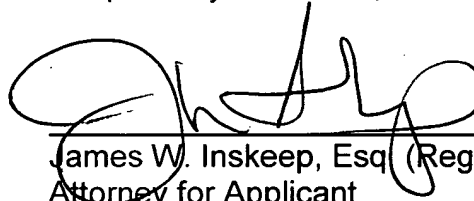
In view of the foregoing, it is submitted that pending claims 1-4 and 6-36 are now in condition for allowance. Hence an indication of allowability is hereby requested.

If for any reason direct communication with Applicants' attorney would serve to advance prosecution of this case to finality, the Examiner is cordially urged to call the undersigned attorney at the below listed telephone number.

The Commissioner is authorized to charge any fee which may be required in connection with this Amendment to deposit account No. 50-2809.

Respectfully submitted,

Dated: June 17, 2005

A handwritten signature in black ink, appearing to read 'J. Inskeep', written over a horizontal line.

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